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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,809	08/04/2003	Tsutomu Kiyono	116784	4610
25944	7590	10/31/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER QIN, JIANCHUN	
			ART UNIT 2837	PAPER NUMBER

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/632,809

Applicant(s)

KIYONO ET AL.

Examiner

Jianchun Qin

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5,7,8,10,12,14,15,17, 19 and 21 is/are allowed.
- 6) ☒ Claim(s) 2,4,6,9, 11,13,16,18,20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogura et al. (JP401167797A).

With respect to claim 2, Ogura et al. teach an input device which outputs a signal by applying a beating input to a planar input area in a predetermined region (Figs. 2 and 3; Abstract), wherein the input area includes a sheet-like input sensor (5, 7) which is disposed over the almost entire surface of the input area (Fig. 1; Abstract), the input sensor being divided into a plurality of sections (6, 7 in Fig. 3; Abstract) each section having printed contacts with an air gap formatted therebetween (Fig. 3).

With respect to claim 4, Ogura et al. teach: an input device which outputs a signal by applying a beating input to a planar input area in a predetermined region (Figs. 2 and 3; Abstract), wherein the input area includes a sheet-like input sensor (5, 6, 7) which is disposed over the almost entire surface of the input area (Fig. 1; Abstract), the input sensor being divided into a plurality of sections (6, 7 in Fig. 3; Abstract), and wherein when a boundary portion, the boundary portion being between the divided sections is beaten, each of which have one of first and second input sensors (6), both

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sensors sense the beating input (Fig. 3), which is determined as the beating input is applied to any one of the sections (Abstract).

With respect to claim 6, Ogura et al. further teach: the sheet-like input sensor in the input area is divided into two sections consisting of left-side and right-side sections, the input device having means for positioning the two sections at corresponding left - side and right-side locations (7 in Fig. 8).

3. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (JP02000347668A, machine English translation).

Takahashi teaches a program for playing a music game with a percussion instrument, wherein the game starts when an initially inputted beating operation signal is received as a start signal in a start acceptance state prior to starting the game (Abstract).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 11, 13, 16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura et al. in view Okita (U.S. Pat. No. 6342665).

Ogura et al. teach the input device that includes the subject matter discussed above. Ogura et al do not mention expressly: a game machine for playing a percussion-instrument music game, the game machine including an input device according to claim 2 or 4 or 6; and a simulated percussion instrument for performing a simulated percussion play, the simulated percussion instrument including an input device according to claim 2 or 4 or 6.

Okita discloses a game machine for playing a percussion-instrument music game, including an input device serving as rhythm input detecting means for detecting striking of the surface of a drum pad (col. 4, lines 1-32; col.6, lines 25-33). Okita further teaches a simulated percussion instrument for performing simulated percussion play, the simulated percussion instrument including an input device (col. 4, lines 1-32; cols. 9-10, lines 51-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the inputting device of Ogura et al. into a game machine or a simulated percussion instrument, as taught by Okita, in order to provide a music game machine with additional means for receiving striking input operations to create a more realistic gaming experience (Okita, cols. 5-6, lines 63-12).

#### ***Allowable Subject Matter***

6. Claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17, 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

***Reasons for Allowance***

7. The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of claims 1, 3, 5, 7, 8, 10, 12, 14, 15, 17 and 19-21 is the inclusion of the limitation that the input area includes a plurality of input sensors branched from a conductive section which transmits a signal as a first transmission path, the conductive section being connected to at least one bypass member which is a second transmission path so that a plurality of paths for transmitting a signal from the input sensors are provided for the input device. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art Citations***

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Tanaka et al. (U. S. Pub. No. 20030061932) is entitled to "Simple electronic musical instrument, player's console and signal processing system incorporated therein".

2) Nishimoto et al. (U.S. Pub. No. 20010034014 A1) is entitled to "Physical motion state evaluation apparatus".

3) Yanase (U.S. Pat. No. 6822148) is entitled "Electronic pad".

4) Duncan et al. (U.S. Pat. No. 4852443) is entitled "Capacitive pressure-sensing method and apparatus".

### ***Response to Arguments***

9. Applicant's arguments received 09/02/05 with respect to claims 2, 4, 6, 9, 11, 13, 16, 18, 20 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claims 2, 4, 6, 9, 11, 13, 16, 18, 20 and 22 are rejected as new prior art references have been found to teach the claimed invention recited in these claims. Detailed response is given in sections 1-5 as set forth above in this Office Action.

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**Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8:30am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jianchun Qin  
Examiner  
Art Unit 2837

JQ  
October 28, 2005

  
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